

**TOWN OF ELSMERE
SPECIAL
COUNCIL MEETING MINUTES
JULY 1, 2010
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	THOMAS S. NOVAK, JR.	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	JOHN N. PASQUALE, JR.	PRESENT

Town Manager, John Giles – Present
Town Solicitor, Edward McNally – Absent
Lieutenant Christopher Workman – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

None

OLD BUSINESS:

None

NEW BUSINESS:

None

PUBLIC COMMENT:

None

SUPPLEMENTAL AGENDA:

NEW BUSINESS:

Mayor and Council considered the recent activities which have occurred at the Adrenaline Skating Center with the Department of Public Safety.

Councilman Jaremchuk reported a shooting occurred last weekend at the Adrenaline Skating Center . He further stated they met with the owner, Ms. Tracy Aikens, whose lease runs out on August 15, 2010, and has agreed to the following conditions: 1. August 15, 2010 will be the last day of operations, 2. August 16, 2010 all activities will cease and desist at the location, 3. between June 29, 2010 and August 15, 2010 there will be no special nights conducted at the business, only one adult skate session will be permitted to be held between now and August 15, 2010,. Additionally she agreed to coordinate this last skate session with Lieutenant Workman and to have at least three uniformed police officers on hand which she will pay for, along with her own security personnel on hand and the session will end no later than midnight that night. With the exception of item number three, which refers to the last adult skate session, at no time between now and August 15, 2010 will the business be open and operating after 10:00 p.m. She will continue to have her security personnel and equipment operating as described in the May 6, 2010 letter to Town Manager, John Giles addressing his questions related to the application. Also, with the exception of item number three, the last adult skate, if at any time the Elsmere Bureau of Police find the business open and operating after 10:00 p.m., the officers will immediately enter the business and close it down and then she would be subject to any civil or any criminal penalties that may be appropriate. Ms. Aiken has agreed to all of the aforementioned.

Mayor Norkavage asked when the last adult skate night would be held.

Lieutenant Workman stated it would be held on August 15, 2010.

Councilman Pasquale asked what would happen to the facility once it is shut down.

Town Manager, John Giles stated there is a Special Exception Use on the July 6, 2010 Planning Commission Agenda for a car dealership to move in down there to store cars, however they put a service establishment on their application. He further stated the first hearing for this would be on July 6, 2010.

Councilman Jaremchuk commented he would like to urge Mayor and Council to attend the Planning Commission Meeting on July 6, 2010, considering it will be important to the entire Town of what type of business will operate at this location.

Mr. Giles stated it is the current dealership that is now located at the corner of Kirkwood Highway and Northern Avenue. He further stated he will be stepping back very far from this issue due to personal issues.

Mr. Giles read for the record the letter of denial regarding an entertainment establishment business license for this particular location.

Lieutenant Workman stated that the officers have been advised to check the establishment every night at 10:00 p.m. to make sure they are not operating business in the establishment. Also, if it is found to be in operation, he is to be advised immediately and the owner would be fined.

Lieutenant Workman reported the night of the shooting there were approximately one hundred twenty one patrons there, but at the time of the shooting there were approximately fifty people present.

Councilman Pasquale asked Lieutenant Workman for an updated report on the tazer issue.

Lieutenant Workman replied there was nothing departmental that was done wrong.

Mr. Giles commented this issue had been turned over to the insurance company and the other proper authorities. However, they do have copies of the pending lawsuits if Mayor and Council would like to look them over.

Councilman Pasquale asked for an update regarding the Liam Sullivan lawsuit.

Mr. Giles commented there was nothing new to report at this time.

Councilman Jaremchuk commented in regards to the sale of the skating center, that it is his understanding that new application is for the purchase of the property for the new dealership. Also, there is a purchase agreement that was signed by both parties contingent upon if the purchaser gets what he wants from The Planning Commission and Board of Adjustments.

Mr. Giles recommended whatever the outcome is, to get it in writing.

Councilman McKewen expressed his views regarding how items are stored behind the dealership building on Kirkwood Highway now and is concerned to see what the storage situation would be at the new location if the sale goes through.

ADJOURNMENT/EXECUTIVE SESSION:

ACTION: A motion was made by Councilman Jaremchuk to go into Executive Session for the purpose of discussing personnel matters and not return to Public Session. The motion was seconded by Councilman Pasquale.

VOTE:

All in favor

Motion carried

The meeting was adjourned at 6:48 p.m.

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY